

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
AUGUST 18, 2009**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on August 18, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by City Manager Allen Hendershot.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Haynes, Saunders, Simms, Young and Mayor Wood. Absent: Wallace (vac). Also present: City Manager Hendershot, Police Lt. Murray, Fire Chief Clarke, Street Commissioner Richmond, Building Inspectors Wise & Watson, City Attorney Thomas White and City Clerk Hewitt. Absent: CPA Kathryn Goddard.

MINUTES:

Regular Council Meeting of August 3, 2009.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of August 3, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

OLD BUSINESS:

Discussion of Paving Priority List.

Manager Hendershot reported the paving recently completed included Sixth Street from Jefferson Avenue to Grant Avenue; Washington Avenue from Second Street to Third Street; Park Street from Linden Avenue to Locust Avenue; Walnut Avenue from Fostoria Avenue to Ash Avenue; and Highland Avenue from Jackson Street to Second Street. Bids were received and engineering completed for Third Street from Jefferson Avenue to Grant Avenue, however, funds were not available for paving.

After discussion of paving Third Street from Jefferson Avenue to Grant Avenue, Councilperson Simms asked that Manager Hendershot contact Klug Brothers to see if they will honor their bid and delay payment.

Other Items to be Discussed by Council.

* Councilperson DeWitt asked Attorney White if Harold Games has received the deed for the Fostoria property? Attorney White reported that Mr. Games had not received the deed at the moment. The deed is still in the City of Moundsville's name because of there was a problem with the original description of the property so it had to be re-surveyed.

* Councilperson Haynes asked Manager Hendershot why the debris from the Simmons Apartments are being dumped on the Fostoria property? Manager Hendershot advised that he was unaware of the dumping but he will check with Harold Games. The City Manager also commented that the city has participated in placing fill in the Fostoria site, the intention is to raise the level of the site closer to the First Street level.

* Councilperson DeWitt reported a sink hole under the 12th Street bridge in the parking lot near the Riverfront Park. Manager Hendershot commented that he has been in contact with the DOH District Engineer who advised that particular pipe repair project is on delay because of no funding, but will contact Mr. Whipp again.

NEW BUSINESS:

Discussion and Approval of a Floodplain Ordinance for the City of Moundsville. (First Reading)

Attorney White read the following ordinance by title only to be passed by council on first reading:

AN ORDINANCE ESTABLISHING A FLOODPLAIN AREA AND REQUIRING ALL CONTRACTORS, PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATION TO OBTAIN A PERMIT FOR DEVELOPMENT AND THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOODPLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE. (FIRST READING)

Councilperson Simms made a motion to approve the floodplain ordinance on first reading, seconded by Councilperson Saunders.

Manager Hendershot explained the city's floodplain ordinance had to be updated along with the floodplain map. Notification has been received that the floodplain map is now finalized and the city has 6 months to move forward to update the ordinance. It is recommended the city submit a copy of the draft to the state for their review.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Young, Wood, DeWitt, Haynes, Saunders and Simms. 6 yeas. Motion carried unanimously.

Discussion of Definition of Full Time & Part Time Employment.

Manager Hendershot explained the question that council asked at a previous meeting concerning why some part time employees receive hospitalization and other part time employees do not. Part time employees do not receive hospitalization, other part time employees, such as contracted employees can receive hospitalization as part of their agreement or contract with the city.

Councilperson Saunders asked if this scenario was legal concerning a full time employee with benefits went on compensation, came back to work then was laid off later brought back as a part time employee the following summer without benefits. Manager Hendershot advised this incident was legal and a provision in the code that provides for a regular part time employee for Recreation.

Mayor Wood noted that Councilperson Simms commented on council members being able to receive hospitalization as long as they pay the premium.

Councilperson DeWitt asked if part time employees can be offered hospitalization if they pay the premiums? Manager Hendershot commented that it has never been part of the city policy and he is not sure if a part time employee would meet the insurance company's requirements. And most of the part time employee can not afford to pay the premium for the insurance. Councilperson DeWitt asked Manager Hendershot if this matter could be placed on the Policy Committee agenda.

Discussion and Approval of Repairing Seventh Street Between Tomlinson Avenue & Morton Avenue.

Manager Hendershot reported that he, Street Commissioner Richmond and the Sanitary Board were looking at that situation to try to determine exactly what the problem is.

Discussion by Councilperson Saunders on Business from the Sanford School Meeting.

Councilperson Saunders reported that residents in the area attended the meeting bringing concerns of the building being purchased & maintained with tax payers money. Councilperson Saunders assured citizens the funding would not be used with tax payer money. A committee will be selected and will be responsible for the funding and maintenance of the building. Manager Hendershot announced that the vision of the committee is to create a non-profit organization, knowing that the roof and the furnace may need repair at some point. The organization would administer the building and insure there would be enough money brought in from the rent to cover day to day operations.

Discussion of Entering into an Agreement with Marshall County Schools for Sanford School.

Councilperson Saunders made a motion to enter into an agreement with Marshall County Schools for Sanford School building, seconded by Councilperson DeWitt.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Wood, DeWitt, Saunders, Simms voting yea. Haynes & Young voting nay. 4 yeas, 2 nays. Motion carried.

Receive and File Statement of Account from the Police Pension Board of Trustees for Fiscal Year 2008-2009.

Councilperson Simms made a motion to receive and file the statement of account from the Police Pension Board of Trustees, seconded by Councilperson Saunders. Motion carried unanimously.

Other Items to be Discussed by Council.

Councilperson Saunders complained that people are parking in the handicapped visitor parking spaces around the Court House all day. He asked if the city can make those spaces 1 hour parking. Manager Hendershot thought that cities could not limit the time on handicapped parking spaces.

Manager Hendershot asked Lt. Murray to check with Chief Kudlak to see if there is anything the city can do to limit to amount of time at handicapped parking spaces.

MANAGER ITEMS:

Governor Grant Awards.

The City of Moundsville received Governor Grant Awards of \$10,000 for the Moundsville City Garage; \$10,000 for repair & restoration of Moundsville City Hall; and \$8,000 for upgrades to the computer systems in the Moundsville City Clerks Office.

GCI Communications.

Manager Hendershot had a video conference with GCI Communications who provides on-line streaming video. GCI will promote the City of Moundsville with four difference spots concerning re-location, education, processes, welcome video, and quality of life video. The video is attached to the web-site showing the streaming video about Moundsville. There is no cost directly to the city because they use businesses to advertise that will off set the costs.

Other Items to be Discussed by City Manager.

* The Building Inspector & Fire Chief provided a list of dilapidated structures and structures in violation of the Health & Sanitation Code for council. The updates will be provided to council on a monthly basis.

* Councilperson Simms asked for an update on the grant money for Fostoria. Manager Hendershot reported that he asked Mr. Hicks to contact the DEP in Philadelphia to clarify what

needs to be done.

* Councilperson Saunders asked for an update on the Credit Card Program. Manager Hendershot reported the company will have to meet with employees to show them how to use the card.

* Councilperson Simms asked if the stimulus money was going to be used to replace windows in the city building? Manager Hendershot advised that he had been in contact with two companies that participated in the program. There is two different ways to approach the funds. One being a stimulus grant that Belomar would be administering. Another program hinges on AEP in which the city can make all their buildings more energy efficient and street lighting can be changed over to save dollars. Those dollars would be used to invest back into the buildings for improvements.

* Councilperson Saunders asked if the city has ever purchased the property on Thompson Avenue? Manager Hendershot advised that he left message that the city was interested in purchasing the property, but has never heard back from them. Mayor Wood reported it was his understanding the property was already sold. Councilperson DeWitt confirmed the sale to an individual in OH.

MAYOR ITEMS:

* Mayor Wood asked Manager Hendershot to invite Marshall County Tourism Leader Mike Drosieko to a council meeting to be introduced to council.

* Mayor Wood asked for an update on 5th Street & Jefferson Avenue light. Manager Hendershot reported that he anticipates that DOH will remove the traffic light in September and replace the light with stop signs. DOH did not want to remove the lights at this time due to school starting in a couple of weeks.

* Mayor Wood inquired about insurance claims that citizens filed due to water damage to their houses and property in June 2009. Manager Hendershot commented that none of the claims have been approved by the city's insurance company. However, some claims have been against the Sanitary Board. Manager Hendershot has been in contact with Soil Conservation Office, who met with owners of Jersey Drive area. The Soil Conservation intends to perform a walk through inspection of the area. There is potential of creating a water retention system to lower the volume of water.

* Mayor Wood asked for an update on the meeting with the Parks & Recreation Board, CPA Kathryn Goddard, Manager Hendershot, Supervisor Hess and Treasurer Ankrom. Manager Hendershot reported the budget was reviewed to assure the board understood the purchase order process. Councilperson Saunders suggested the Parks & Recreation Board should meet

with Ms. Goddard on a monthly basis. Mayor Wood asked that discussion of the Parks &

Recreation Board be placed on the policy committee agenda.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

No action taken at this time.

Discussion and Approval of Recommendations by the Traffic Committee.

No action taken at this time.

Discussion and Approval of Recommendations by the Policy Committee.

No action taken at this time.

COUNCIL ITEMS:

* **Young** - Reported storm drain behind 1405 Center Street plugged up or collapsed.

* Asked who was in charge when Chief Kudlak is on vacation. Manager Hendershot advised that Lt. Jeff Murray was in charge in the Chief's absence.

* Congratulations to Lt. Murray for receiving an award from the Moundsville Volunteer Fire Department for his heroism during the Simmons Apartment fire.

* **DeWitt** - Presented council members with a report on the seminars at the West Virginia Municipal League.

* Reported that 1305 North Street needs looked at.

* Reported weed along the guard rail on McKinley Street.

* Thought the alley between Ruby Street & Pearl Street was suppose to be open several years ago. Manager Hendershot recalled the question was raised and a lot of encroachment existed in that alley.

* Reported a rotting tree across from 1617 Ruby Street, looks like it is going to fall.

* **Haynes** - Reported 17 vehicles setting on the property at the corner of Third Street & Tomlinson Avenue. Some vehicle have vulgar language written on them and asked that the

vehicle is removed before school starts. Also reported the vehicles there are blocking the sidewalk.

* **Saunders** - Asked if Boso has authority to park vehicles on the street at his business. Manager Hendershot reported that Mr. Boso is a loud to park vehicles on the street as long as they are legal.

* Reported windows broke out of the house at 1501 Fourth Street, house is abandoned. Manager Hendershot advised that he thinks that contact has been made on that house but he will check for sure.

* Received complaints that residents at 7th & Annadale Avenue are washing their 4-wheelers on the street all the mud is running down in front of other neighbors houses. Mr. Saunders reported that he spoke with the individual who are now washing the bikes in their yard, but mud is still running down the street to other neighbors. Manager Hendershot advised that officers need to be informed when this is happening.

* Thanked the Street Department for installing signs between Jackson Street & Potomac Street.

* **Simms** - Nothing at this time.

Councilperson Saunders made a motion to adjourn, seconded by Councilperson Simms. Motion carried unanimously.

Meeting adjourned at 8:05 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor